



Attorney's Docket No.: 13521-002001 / 2453801/PP9157/99-JMS

cp1743

STW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Howard M. Chandler et al.      Art Unit : 1743  
Serial No. : 09/936,452      Examiner : L. Cross  
Filed : September 12, 2001  
Title : SAMPLE COLLECTION AND TESTING SYSTEM

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT IN REPLY TO ACTION OF JULY 13, 2004

Please amend the above-identified application as follows:

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

November 3, 2004  
Date of Deposit

Darlene J. Martin 00000006 061050 09936452  
Signature

Darlene J. Martin  
Typed or Printed Name of Person Signing Certificate

01 FC:2202      54.00 DA

02 FC:2201      44.00 DA

Applicants' claimed devices are suitable for use in situations where the sample to be tested is collected at a site that lacks laboratory facilities, equipment, and highly trained or skilled personnel, e.g., in a patient's home or in a rural area. The claimed devices are also suitable for manufacture by established high-speed processes and technologies (see page 8, lines 4-24). Because Applicants' claimed devices include a housing defining two apertures, rather than the opposable components or panels employed in the cited Lennon et al. devices, the claimed devices are simple and economic to manufacture and to use, and are particularly suitable for use in situations where the testing function is not linked to the collection of a sample (see Applicants' specification, page 4, lines 17-20 and page 6, lines 19-25).

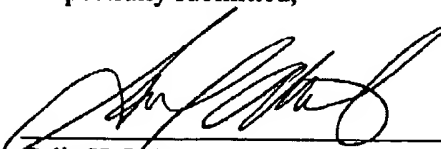
The Chandler reference, cited to provide a teaching of guaiac-based test strips, does not supply that which is lacking in the primary reference. Accordingly, Applicants respectfully submit that the claims are patentable over the combination of Lennon and Chandler for the reasons discussed above and respectfully request that the rejection under 35 U.S.C. §103 be withdrawn.

Enclosed is a \$55 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, referencing Attorney Docket No. 13521-002001.

Respectfully submitted,

Date:

Nov 3, 2004

  
Celia H. Leber  
Reg. No. 33,524

Page 30, 175

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906